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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,280	11/15/2001	Masayuki Toyokawa	2933PE-2	3701

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EXAMINER

RIVELL, JOHN A

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/991,280

Applicant(s)

TOYOKAWA ET AL.

Examiner

John Rivell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11/15/01, 2/7/02, 3/5/02, 2/24/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7, 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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Claims 1-15 are pending.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 and 15 are rejected under 35 U.S.C. §102 (b) as being anticipated by Roos (cited by applicant). The patent to Roos clearly discloses “a coupling structure for a flow control valve (20)... comprising: a fitting portion (18) having a male thread (surface 24, groove 26)... a coupled member (pipe or main 16) having a coupling hole (14) to receive the flow control valve (20); and a cylindrical elastic sealing member (12) engages with the coupling hole to seal the space between the flow control valve and the coupling hole, wherein the elastic sealing member has an inner surface defining a mounting hole in which the fitting portion is fitted, and a female thread (coil element 32) is formed on the inner surface, the female thread being mated with the male thread of the fitting portion” as claimed.

Regarding claim 3, the “pressed portion” of the grommet 12 of Roos is read on the lower portion 46 of the grommet which is radially expanded to retain the valve coupled to the hole (column 3, line 54 through column 4, line 5).

Regarding claim 15, the patent to Roos clearly discloses “a cylindrical elastic member (12) formed from a rubber material, wherein the elastic sealing member receives a fitting body (18), the elastic sealing member comprising: a mounting hole (defined within interior surface 30) for receiving the fitting body (18); and a pressed

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portion (46) formed on the inner surface defining the mounting hole and pressed by the fitting body (18), wherein the pressed portion (46) radially expands the elastic sealing member when pressed by the fitting body" as claimed and as set forth in column 3, line 54 through column 4, line 5 of Roos.

Claims 11-14 are rejected under 35 U.S.C. §102 (b) as being anticipated by Davis et al. In Davis et al., figure 3, there is disclosed "a flow control valve (generally at 12, fig. 1) received in a predetermined coupling hole (16), the valve comprising; a fitting portion (18) engaged with the coupling hole and having a peripheral surface, wherein a male thread (28) is formed on the peripheral surface; and a main body (read above threaded section 28) connected to the fitting portion and formed from synthetic resin" as cross hatched and as claimed in claim 11.

Regarding claim 13, in Davis et al., the "main body (inherently must have) a rotating portion for rotating the fitting portion when engaging the flow control valve with the coupling hole" in order for the threads 28 to cooperate with threads in the hole 16 in order for the valve to be mounted, as claimed.

Regarding claims 12 and 14, the device of Davis et al. is "a blowby gas returning apparatus flow control valve incorporated in an internal combustion engine" as claimed. further since "returning" is not defined in the claims, it is read on the gas being "returned" to atmosphere in Davis et al.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roos in view of Neuschotz. The patent to Roos discloses all the claimed features with the exception of having "rotation restricting structure". This feature called for by the claims is directed to a feature peculiar to couplings in general which couple to pipe sections together by threads, including an intermediate grommet therebetween accepting one of the coupled items. Such a coupling detail is not exclusive to the coupling of a valve element to a fluid conducting bore/hole but can be found in any coupling system in which two pipe sections are coupled together using an intermediate grommet to seal the coupling. The patent to Neuschotz discloses that it is known in the art to employ a "rotation restricting structure" at 34, attached to an intermediate "grommet" 12 used to couple two pipe sections 13', 10 to each other and conducting fluid pressure therethrough, which structure forms corresponding "structure" in the "coupling hole" (as shown at 34 of fig. 3) for the purpose of threadedly coupling two pipe sections fluid tightly together wherein the "grommet" is held from rotating with the threaded attached pipe when being assembled thus precluding potential damage to the "grommet" 12 should the "grommet" otherwise rotate during assembly. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Roos "rotation restricting structure" including a stop surface extending from the grommet mating with a stop surface formed in the coupling hole for the

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purpose of threadedly coupling two pipe sections fluid tightly together wherein the "grommet" 12 of Roos is held from rotating with the threaded attached pipe 18 when being assembled thus precluding potential damage to the "grommet" 12 should the "grommet" otherwise rotate during assembly as recognized by Davis et al. Regarding claim 5, the mating surfaces of Roos are read as the downward facing underside of the flange 28 of the "grommet" 12 and the upward facing surface surrounding the "coupling hole" 14.

Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roos in view of Neuschotz as applied to claims 2, 4 and 5 above, further in view of Davis et al. The patent to Roos, as modified by Neuschotz, discloses all the claimed features with the exception of having a synthetic resin body and utility as a positive crankcase ventilation valve. The patent to Davis et al. discloses that it is known in the art to employ an all plastic/synthetic resin positive crankcase ventilation valve device 18 for the purpose of ventilating internal combustion engine crankcase gasses with a valve of synthetic material which accommodates the corrosive atmosphere prevalent in crankcase gasses. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ the device of Roos, as modified by Neuschotz, as an all plastic positive crankcase ventilation valve for the purpose of ventilating an internal combustion engine crankcase of the corrosive gas atmosphere prevalent in an internal engine crankcase as recognized by Davis et al. regarding claims 6 and 9, Roos includes a "rotation portion" read as the hexagonal fitting opposite the grommet end, which fitting would normally be connected to a flow conduit.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rivell whose telephone number is (703) 308-2599. The examiner can normally be reached on Monday –Thursday between 6:30am and 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Buiz can be reached on (703) 308-0871. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7765 for regular communications and (703) 308-7765 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

j.r.  
March 26, 2003

  
**John Rivell**  
**Primary Examiner**  
**Art Unit 3753**